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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,453	02/09/2001	Vladimir I. Miloushev	19194.00415	1803

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EXAMINER

ZHEN, WEI Y.

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 03/30/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/780,453	<b>Applicant(s)</b> MILOUSHEV ET AL.	
	<b>Examiner</b> Wei Y Zhen	<b>Art Unit</b> 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 97-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 97-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. Claims 97-117 are pending.

#### *Claim Objections*

2. Claim 116 is objected to because of the following informalities: the claim recites "The structure of claim 116...". Since a claim can be a dependent claim of itself, the Examiner is interpreting this limitation as "The structure of claim 115...". Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 97-106, 108-117 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris et al, (Morris), US 6,112,206.

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As per claim 97, Morris discloses

a factory part for determining when a new part should be created (col. 5 lines 32-57); a container part for holding a first plurality of parts of arbitrary part class (col. 5 lines 45-52); a connection between said factory part and said container part (col. 5 lines 32-57).

As per claim 98, Morris discloses said container part has a second terminal (col. 5 lines 59-62) ; said connection is established between said first terminal and said second terminal (col. 5 line 59 to col. 6 line 7).

As per claim 99, Morris discloses having a first terminal for receiving calls (col. 6 line 23-32, col. 15 lines 45-46), a second terminal for sending out calls (col. 5 line 59 to col. 6 line 7) and means for selecting a part connected to said second terminal (col. 5 line 50 to col. 6 line 7).

As per claim 100, Morris discloses said structure further comprises a plurality of connections, each connection established between said second terminal of said demultiplexing part and a terminal of each part in said first plurality (col. 5 line 57 to col. 6 line 7, col. 15 line 41 to col. 16 line 19).

As per claim 101, Morris discloses wherein said connection demultiplexing part and said factory part are one part (Morris, col 5 lines 33-67, col 6 lines 1-7).

As per claim 102, it is rejected for the reason set forth in the rejection of claim 97.

As per claim 103, Morris discloses wherein said structure further comprises an enumerator part for defining the set of parts in said first plurality (col. 15 lines 45-50).

As per claim 104, Morris discloses wherein said structure further comprises a connection between said enumerator part and said factory part (col. 5 line 50 to col. 6 line 7 and col. 15 line 45-67).

As per claim 105, Morris discloses said enumerator uses a data container for defining the parts in first plurality (col. 15 lines 45-50).

As per claim 106, Morris discloses said enumerator comprises means for enumerating a set of peripheral devices connected to a computer system (col. 15 lines 45-50).

As per claim 108, Morris discloses said structure further comprises a parameterized part for retrieving the value for at least one property to be set on each part of said first plurality (col. 5 lines 32 to col. 6 line 7, col. 15 line 40 to col. 16 line 42).

As per claim 109, Morris discloses said parameterized part retrieves said value from a data container (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

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As per claim 110, Morris discloses wherein said parameterized part uses a persistent identifier to select said value among a set of values (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

As per claim 111, Morris discloses wherein said structure further comprises a serializer part for saving the value of at least one property of each part in said first plurality (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

As per claim 112, Morris discloses wherein said structure further comprises a trigger part for initiating said saving of the value (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

As per claim 113, Morris discloses said structure further comprises a parameterized part for retrieving the value for a first property to be set on each part of said first plurality and for saving the value of said first property (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

As per claim 114, Morris discloses said factory part determines whether to create a new part in said first plurality or to use an existing part in said first plurality based on a persistent identifier provided to said factory part (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

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As per claim 115, Morris discloses said structure further comprises a loader part for bringing in memory a class for a part to be created (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

As per claim 116, Morris discloses said structure further comprises: a connection between said factory part and said loader part; a connection between said loader part and said container part (col. 5 lines 32 to col. 6 line 7, col. 8 lines 13-63, col. 15 line 40 to col. 16 line 42).

As per claim 117, Morris discloses a first terminal for receiving calls (col. 6 line 23-32, col. 15 lines 45-46); a second terminal for sending out calls received on said first terminal (col. 5 line 59 to col. 6 line 7); a third terminal for sending out requests to create new parts (col. 5 lines 32-57, col. 6 lines 25-40); means for selecting calls received on said first terminal for which said part sends out requests on said third terminal (col. 5 line 59 to col. 6 line 42).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 107 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al, US 6,112,206.

As per claim 107, Morris does not explicitly disclose a first property for configuring a limitation on the type of peripheral devices to be enumerated. Official Notice is taken that limiting on type of devices to be enumerated was well known in the art at the time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of the well known knowledge into the teaching of Morris to a first property for configuring a limitation on the type of peripheral devices to be enumerated because one would want to manage the information more efficiently and more simply.

### *Conclusion*

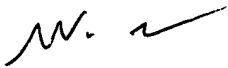
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wei Zhen  
Primary Examiner  
3/19/2004